

Judge Chun

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FAMILIAS UNIDAS POR LA JUSTICIA,
AFL-CIO, a labor organization

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
LABOR, and LORI CHAVEZ-DeREMÉR, in
her official capacity as United States Secretary
of Labor,

Defendants.

CASE NO. C24-0637JHC

**JOINT STIPULATION FOR
ORDER MODIFYING SECOND
PRELIMINARY INJUNCTION;
ORDER THEREON**

(Note on Motion Calendar for:
April 24, 2025)

WHEREAS on March 28, 2025, the Court entered a second preliminary injunction in this action (Dkt. #145); and

WHEREAS on April 14, 2025, Defendants filed a motion to alter or amend the second preliminary injunction entered in this action pursuant to Rule 59(e), Fed. R. Civ. P (Dkt. # 154), which is presently noted for April 29, 2025; and

WHEREAS the parties have reached agreement on wording to modify the second preliminary injunction and further agree that if the proposed modification is adopted by the Court, Defendants' motion to alter or amend the second preliminary injunction may be taken off-calendar;

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JOINT STIPULATION FOR ORDER MODIFYING SECOND PRELIMINARY
INJUNCTION; ORDER THEREON - 1
(Case No. C24-0637JHC)

UNITED STATES ATTORNEY
5220 UNITED STATES COURTHOUSE
700 Stewart Street
Seattle, Washington 98101-1271
(206)-553-7970

NOW THEREFORE, the parties, through their respective attorneys of record, do hereby stipulate and agree that the Court may make and enter the following order:

1. The preliminary injunction issued by the Court on March 28, 2025 (Dkt. # 145), shall be modified as follows;

All text starting at p. 19, line 20, through p. 20, line 10, of Dkt. # 145 shall be stricken and replaced completely with the following text:

- **Immediately take the following actions with regard to the AEWR-only job orders approved when there is an applicable prevailing piece rate wage for the particular crop or agricultural activity located in Washington since November 25, 2024:**
 - **Give notice to all relevant employers in Washington that they must unequivocally offer and pay the applicable prevailing piece rate wage(s) under the 2020-Survey prevailing wage rates in compliance with the Ninth Circuit's conclusion on the application of 20 C.F.R. §§ 655.120(a) and 655.122(l) in *Torres Hernandez v. Su*, 2024 WL 2559562, at *1 (9th Cir. May 24, 2024) from the date of notice forward;**
 - **Give notice to all relevant employers in Washington that they must expeditiously disclose applicable piece-rate prevailing wages to their employees;**
 - **Post notice on the Department's Office of Foreign Labor Certification Web Announcement webpage, the Foreign Labor Application Gateway (FLAG system), and the Agricultural Online Wage Library (AOWL), listing the currently applicable piece-rate prevailing wage rates for Washington, that states that all relevant employers employing workers in a specific crop or agricultural activity must offer and pay the applicable active prevailing piece rate wage for work performed in Washington. The Department will keep such notice posted to the FLAG system and AOWL at least until 50 percent of the work contract period lapses for the relevant certifications**
 - **Request Washington ESD to post a notice on its WorkSource website with all active applicable piece-rate prevailing wage rates for Washington, and which states that all relevant employers employing workers in a specific crop or agricultural activity must offer and pay the applicable active prevailing piece rate wage for work performed in Washington, and asking that such notice remain publicly available until 50 percent of the work contract period lapses for the relevant certifications; and**
- **Take immediate action to ensure that all current and future proposed job orders for the 2025 season are reviewed for compliance consistent with this Order.**

2. The preliminary injunction issued by this Court, as modified by this order, shall be effective immediately.

1 **3. Defendants' Motion to Partially Alter or Amend Second Preliminary Injunction**
2 **(Dkt. # 154) shall be taken off-calendar.**

3 **SO STIPULATED.**

4
5 DATED this 24th day of April 2025.

6
7 TEAL LUTHY MILLER
8 Acting United States Attorney

9 /s/ Brian C. Kipnis
10 BRIAN C. KIPNIS
11 Assistant United States Attorney
12 Office of the United States Attorney
13 5220 United States Courthouse
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18 Attorneys for Defendants

19 I certify that this memorandum contains 526 words,
20 in compliance with the Local Civil Rules.

21 **SO STIPULATED.**

22 DATED this 24th day of April 2025.

23 COLUMBIA LEGAL SERVICES

24 s/ Andrea Schmitt
25 Andrea Schmitt, WSBA #39759
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27 Olympia, WA 98501
28 (360) 943-6260
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 Attorneys for Plaintiff

ORDER

IT IS SO ORDERED.

DATED this _____ day of April 2025.

JOHN H. CHUN
United States District Judge